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EXAMINER

MOORE, LAN N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,808

Applicant(s)

BUFFAM, BRUCE

Examiner

Ian N. Moore

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/18/05:11/9/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: **the oath or declaration is unsigned.**

### *Drawings*

2. The drawing (**FIG. 1**) are objected to because there is a lack of descriptive text legends (i.e. switch, multiplex channel, non-multiplex channel, frame relay card, cell, trunk, etc.) [37 CFR 1.83, CFR 1.84 [5(e)], MPEP § 608.02(e)]. The drawing (**FIG. 2**) is objected to because the arrows obstruct the text labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson (US006760335B1) in view of Bradley (US006366580B1).

**Regarding Claims 1, 6, 11, and 17**, Andersson discloses a digital communication switch (see FIG. ATM Node/system 34) comprising:

a bus (see FIG. 4, bus/connection 1 between elements within; see col. 1, line 36-46);

a processor coupled to the bus (see FIG. 4, ATM node/system 34 contains processor/CPU/controller; see col. 1, line 36-46);

a storage device coupled to the bus, the storage device to store instructions to be executed by the processor (see FIG. 4, ATM node/system contains a memory to store instruction to be executed by processor/CPU/controller; see col. 1, line 36-46); and

a buffer to store voice data cells (see FIG. 4, AAL2 node/system stores voice data cells for switching; see col. 1, line 60), wherein the processor is configured to monitor the available bandwidth of a multiplexed connection (see FIG. 8, step 52,54; determining/monitoring resources; see col. 4, line 25-42; see col. 5, line 55-64; col. 6, line 32-53; see col. 10, line 13-40),

receive a voice call (see FIG. 6, setup request; see FIG. 8, a new AAL2 connection), route the call according to the available bandwidth (see FIG. 8, step 54 with NO; see col. 4, line 35-42; col. 10, line 40-52; establishing a connection with available resources), and overflow the call onto a multiplexed connection when the available bandwidth of the multiplexed connection is insufficient to carry the call (see FIG. 8, step 54, 56; adding/set-up a new AAL2 connection associated with a new AAL2 mux pair when there is no resources for new connection; see col. 4, line 25-36,40-47; col. 5, line 55 to col. 6, line 2; see col. 10, line 52-62; .

Andersson does not explicitly disclose a non-multiplexed connection. However, having a non-multiplexed connection/channel in ATM AAL2 is well known in the art and ATM standards. In particular, Bradley teaches a non-multiplexed connection (see col. 1, line 53-60; utilizing ATM Single Channel Adaptation (SCA) SVC instead of multiplexing multiple channel onto a single SVC). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a non-multiplexed connection or a signal channel, as taught by Bradley in the system of Andersson, so that it would avoid the necessity of having to de-multiplex and multiplex the packet; see Bradley col. 1, line 57-59.

**Regarding Claims 2, 7, 12, and 18,** Andersson discloses sending the call over the multiplexed connection when the available bandwidth of the multiplexed connection is sufficient to carry the call (see FIG. 8, step 54 with NO; see col. 4, line 35-42; col. 10, line 40-52; establishing a connection with available resources by utilizing adequate existing/unused AAL2 connection).

**Regarding Claims 3, 8, and 13,** Andersson discloses wherein overflowing the call comprises:

adding a single multiplexed connection over the link per call (see FIG. 8, step 54, 56; adding/set-up a new AAL2 connection associated with a new AAL2 mux pair when there is no resources for new connection; see col. 4, line 25-36,40-47; col. 5, line 55 to col. 6, line 2; see col. 10, line 52-62);

transmitting the call over the multiplexed connection (see FIG. 6; transmitting a connection over AAL2 connection; see col. 4, line 25-36,40-47; col. 5, line 55 to col. 6, line 2; see col. 10, line 52-62); and

tearing down the single multiplexed connection once the call is completed (see FIG. 9; dropping/removing/tear down a connection once the AAL2 call is released/completed; see col. 5, line 55 to col. 6, line 2; see col. 8, line 12-59; see col. 10, line 62 to col. 11, line 35).

Bradley teaches a non-multiplexed connection as set forth above in claims 1,6,11 and 17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a non-multiplexed connection or a signal channel, as taught by Bradley in the system of Andersson, for the same motivation as stated above in claims 1,6,11 and 17.

**Regarding Claims 4, 9, 14 and 19**, Andersson discloses wherein the multiplexed connection is a multiplexed Q.AAL2 signaling channel (see col. 2, line 20-30; see col. 5, line 62-64; see col. 7, line 63; see col. 8, line 35-42; AAL2 mux connection/channel is Q.2630 channel which is also known as Q.AAL2 signaling channel in the art).

**Regarding Claims 5, 10, 15 and 20**, the combined system of Andersson and Bradley disclosed all limitation. Andersson discloses wherein the newly added multiplexed connection is multiplexed Q.AAL2 signaling channel (see col. 2, line 20-30; see col. 5, line 62-64; see col. 7,

Art Unit: 2661

line 63; see col. 8, line 35-42; AAL2 mux connection/channel is Q.2630 channel which is also known as Q.AAL2 signaling channel in the art). Bradley also discloses a non-multiplexed/a single channel in AAL2 (see col. 1, line 53-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Bradley's a non-multiplexed connection or a signal channel in Andersson's a newly added Q.AAL2 signaling channel, as taught by Bradley in the system of Andersson for the same motivation as stated above in claims 1,6,11 and 17.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claim 1-15 and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

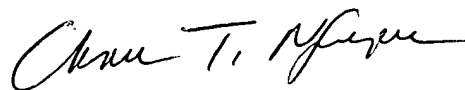
Art Unit: 2661

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9<sup>th</sup>

INM

2-10-06



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